

ENTERED

December 30, 2015

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA §
§
VS. § MAG. JUDGE NO. 2:15-MJ-1781
§
JUAN LUIS CRUZ §

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant meets the probable cause standard. The defendant was released on bond at the time of the commission of the instant offense and, therefore, has shown an inability or unwillingness to comply with pretrial conditions of release. Further, the defendant's criminal history includes apprehensions for failure to appear and numerous instances of transporting undocumented aliens. Most troubling is the defendant having repeatedly falsely reported to federal agents that he was an undocumented alien when apprehended in other instances of human trafficking. The effect of these false reports was the defendant, a citizen of the United States, was deported. Further, the defendant was charged several times with illegally re-entering the

United States, although these charges were dismissed, apparently because the defendant is in fact a citizen of the United States. For these reasons and the reasons stated on the record, the defendant is a poor candidate for pretrial release. The findings and conclusions contained in the Pretrial Services Report are adopted.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 30th day of December, 2015.



Jason B. Libby
United States Magistrate Judge